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MEQUON, WI 53092				
EXAMINER				
COLBERT, ELLA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/751,121

Applicant(s)

ABENDROTH, JOHN C.

Examiner

Ella Colbert

Art Unit

3696

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 32-68 are pending. Claims 32-38, 41-43, 45-51, 57-60, and 63 have been amended in this communication filed 08/11/08 entered as amendment, RCE, and Request for Extension of Time.
2. The objections to claims 32, 34, 37, 41-43, 47, 48, and 63 from the prior Office Action have been overcome by Applicants' amendments to the claims and are hereby withdrawn.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/11/08 has been entered.

Claim Objections

Claims 32, 36, 41, and 46 are objected to because of the following informalities: Claim 32, page 5 recites "inputting into the central processing system a request for bids from and by the shipper ... the load or from and by a buyer ...; transmitting an invitation electronically ... or purchasing from and by the central processing system ..., wherein carriers or sellers can review the individual invitations ..., ... bulletin board transportation tool concept ..., and analyze a myriad ..., product and service environment to determine best business ..., ..." and claim 32, page 6, further recites

"boards and into the grand master bulletin board addresses all transportation, product and service subsets including areas like ..., ..., ..., ..., ..., ..., ...". These claim limitations would be better recited without the "from and by" terms and the claim limitation reciting "boards and into the grand master bulletin board addresses all transportation, product and service subsets including areas like, ..., ..., ..., ..., ..., ..., ..., ..., ..." would be better recited as "boards and into the grand master bulletin board addresses all transportation, product and service subsets including individual and multiple loads, combined loads, ..., ..., ..., ..., ..., ..., ...". Claim 36 has a similar problem. Claim 32 also recites on page 7, claim limitation four "storing all entries both public and private ..., along with to the appropriate ...". This claim limitation should recite "storing all entries both public and private ..., along with the appropriate ...". Claim 41, page 11 (the last claim limitation recites "wherein making a plurality of bids by a plurality of sellers ... by the seller's buyers includes ...". Does Applicant mean "by the seller's includes ..."? Claim 46 recites "The method of claim 37, further comprising a grand mast3r bulletin board, ...". This claim limitation would be better recited as "The method of claim 37, further comprising a grand master bulletin board, ...". Appropriate correction is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 1, elements 35 and 36 are not mentioned in the Specification and Fig's 10d and 10e are not mentioned in the Specification in the Brief Description of the

Drawings" section Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 1, element "28" and Fig. 4, element "56" are all missing from the drawings and Fig. 3 drawing is missing. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The Specification is objected to because Page 19 recites "Referring to Figs 9 and 10 ...". This line should recite "Referring to Figs 9 and 10a-10e ...". Page 22, the first line recites "... (Fig 3), ..., ...". This line should recite "... (Fig 3b) ...". The second paragraph on Page 22 recites "... (Fig 4), ...". This line should recite "... (Fig 3b), ...". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 32-38, 41-46, 48-51, 57-60, and 63 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 32-68 do not agree with the specification and do not have sufficient support in the Specification. Applicant is respectfully requested to point out in the Specification where the support is located for the claim limitations of claims 32-68. Claims 39, 40, 47, 52-56, 61, 62, 64-68 are also rejected because they depend from a rejected claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 32-38, 41-46, 48-51, 57-60, and 63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 32 recites "carriers or sellers" which is unclear, indefinite, and vague. It is not clear as to whether the carriers are the same as sellers or the sellers are different from the carriers. Claims 33-38, 42-46, 48-51, 57-60, and 63 have a similar problem. Also, claim 32 recites "wherein carriers or sellers can review ... transportation tool concept ...," which is vague and indefinite what Applicant means by "transportation tool concept". Does Applicant mean the various bulletin boards are the "transportation tool concept"? Page 6, the fifth claim limitation and claim 37 has a similar problem. Page 6(the second claim limitation recites "wherein these bulletin boards may be public or private;" which is not a positive recitation in the claim limitation. A positive recitation would be "wherein these bulletin boards can be public or private;". Page 6, claim limitation two and claim 37 have a similar problem. Claim 32, page 6, the fifth claim limitation recites "wherein shippers or buyers can review ... decisions prior to responding". It is vague and unclear what is happening that needs to be responded to prior to the determining of the best business decisions. Claim 37 has a similar problem. Claims 39, 40, 47, 52-56, 61, 62, 64-68 are also rejected because they depend from a rejected claim.

Response to Arguments

Applicant's arguments with respect to claims 32-68 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bains et al (US 6,625,584) disclosed a maritime container booking process delivered via the Internet for pricing, routing, and confirming freight bookings.

Ye (US 6,374,227) disclosed allocating a resource.

Barns-Slavin et al (US 5,117,364) disclosed carrier management.

Cirolì, Jr. et al (US 2002/0082970 A1) disclosed transactions relating to the shipment of goods.

Hall et al (US 7,395,237) disclosed an online electronic market place where carriers bid for loads by shippers.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dixon Thomas can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

December 8, 2008